

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

MICHAEL PARKER

Plaintiff,

-v.-

Civil Action No.
9:06-cv-1268 (GLS/DEP)

PEEK-CO, Corrections Officer,
Coxsackie Correctional Facility

Defendant.

APPEARANCES:

OF COUNSEL:

FOR THE PLAINTIFF:

MICHAEL PARKER
Plaintiff, *Pro Se*
CNY Psychiatric Center
P.O. Box 300
Marcy, New York 13403

FOR THE DEFENDANTS:

HON. ANDREW M. CUOMO
Attorney General for the State of New York
Counsel for Defendants
The Capitol
Albany, New York 12224

DAVID L. COCHRAN
Assistant Attorney General

GARY L. SHARPE,
U.S. DISTRICT JUDGE

ORDER

The above-captioned matter comes to this court following a Report-Recommendation by Magistrate Judge David E. Peebles, duly filed December 29, 2008. Following ten days from the service thereof, the Clerk has sent the file, including any and all objections filed by the parties herein.

No objections having been filed, and the court having reviewed the Magistrate Judge's Report-Recommendation for clear error, it is hereby

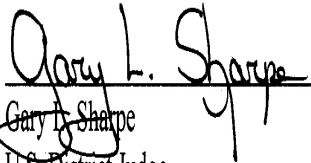
ORDERED, that the Report-Recommendation of Magistrate Judge David E. Peebles filed December 29, 2008 is ACCEPTED in its entirety for the reasons state therein, and it is further

ORDERED, that defendant's motion for summary judgment (Dkt. No. 35) is GRANTED, and that the plaintiff's complaint is DISMISSED in all respects, and it is further

ORDERED, that the Clerk enter judgment in favor of the defendant against the plaintiff.

IT IS SO ORDERED

Dated: January 27, 2009
Albany, New York



Gary L. Sharpe
U.S. District Judge